REMARKS

STATUS OF THE CLAIMS.

Claims 1-26 are currently pending in the application and are subject to the current Restriction Requirement.

ELECTION/RESTRICTION.

Claim Groups

In the present Office Action ten Claim Groups were identified and restriction, under 35 U.S.C. §§ 121 & 372, to one of the Claim Groups for prosecution in the present application was required. The ten Claim Groups identified are as follows:

I. Claim 1: methods of identifying viral gene required for capsid assembly
II. Claim 2: nucleic acid compositions
III. Claim 3: methods of identifying capsid assembly inhibitor compounds
IV. Claim 4: inhibitor compositions
V. Claims 5, 11, 12, and 24: methods for obtaining host proteins that interact with viral proteins required for capsid assembly
VI. Claims 6-8: host protein compositions
VII. Claims 9 & 10: antibodies to host proteins
VIII. Claims 13-19: methods of identifying compounds that interfere with or inhibit capsid assembly
IX. Claims 20-23: methods of treating symptoms
X. Claims 25 & 26 antibodies to viral capsids.

Discussion

The current claims are subject to a restriction requirement that divides the claims into ten different Groups as provided above. The restriction requirement also alleged that the claims do not share a technical feature that is a contribution over the prior art.

Applicants elect Group X and respectfully traverse.

Applicants respectfully suggest an alternative restriction that reduces the number of groups to six e.g., by combining Groups I and II; Groups III, IV and VIII; and Groups V and VI into three new groups for a total of six groups as follows:

Proposed Group I: Claims 1 and 2: methods of identifying viral genes required for capsid assembly and nucleic acid compositions.

Proposed Group II: Claims 3, 4, and 13-19: methods of identifying capsid assembly inhibitor compounds and inhibitor compositions.

Proposed Group III: Claims 5-8 11, 12, and 24: methods for obtaining host proteins that interact with viral proteins required for capsid assembly and host protein compositions.

Proposed Group IV: Claims 9-10 antibodies to host proteins.

Proposed Group V: Claims 20-23: methods of treating symptoms.

Proposed Group VI: Claims 25 & 26 antibodies to viral capsids.

As provided in M.P.E.P § 803, "If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent and distinct inventions." The above suggested restriction provides six groups, each of which can be searched and examined without serious burden.

For example, Proposed Group I, claims 1 and 2, is drawn to methods of identifying a viral gene required for capsid assembly and the viral genes so identified. The number of claims in this group is small and all claims in the group can be searched without serious burden.

Proposed Group II claims likewise share a special technical feature over the art in that they all use capsid assembly intermediates and host proteins to analyze for inhibitors of capsid assembly. A search of assembly intermediates, host proteins and capsid assembly inhibitors would be sufficient to examine this group of claims without serious burden.

Proposed Group III has the same special technical feature as Proposed Group II, e.g., the use of capsid assembly intermediates and host proteins for analysis and identification of host proteins and can be searched without undue burden.

Proposed Group IV is the same as Examiner's Group VII.

Proposed Group V is the same as Examiner's Group IX.

Proposed Group VI is the same as Examiner's Group X.

Applicants hereby elect Claim Group X, claims 25 and 26, with traverse. Accordingly, examination of claims 25 and 26 and rejoinder of groups as described above is respectfully requested.

Applicants would also like to thank the Examiner for the helpful citation to Sakalian in relation to the restriction requirement and note that the claims all contain a technical feature that is novel over Sakalian, e.g., analysis of capsid assembly using assembly intermediates and host proteins, and that Sakalian does not anticipate the claimed invention. Applicants would be happy to address the issue in detail if and when an actual rejection is made over the art.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3505.

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Respectfully submitted,

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